



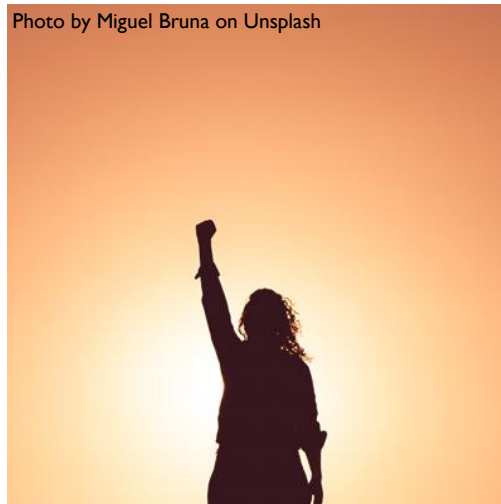
# ‘Power to the People!’

Patrick Riordan SJ

Questions about the source and execution of power are dominating political discourse, as the Supreme Court has now been asked to rule on whether the Prime Minister’s prorogation of Parliament was lawful. Patrick Riordan SJ draws on a long tradition of political theory to outline the different ways in which political power can be considered to derive from or be given to the populace.

So much depends on a preposition. The slogan, ‘power to the people!’ calls for something to be given to some body, or bodies. Exactly what is to be given and to whom are not clearly identified in the slogan, but in any concrete situation participants will usually understand what is intended. ‘Let the people choose’; ‘let the people decide’: this demand can be heard in various formulations in contemporary British political discourse in calls for a people’s vote, a second referendum, or a general election. The ‘people’ in this context are the electorate, those registered to vote, always only a subset of the population. What they are to be given is the opportunity to vote, i.e., to exercise a recorded choice between options set for them by relevant official bodies, whether it is a choice between candidates as in constituencies in a general election, or a choice between propositions as in a referendum.

Another preposition structures a related and similar slogan: ‘power is *from* the people!’ This might be heard in an argument about holding an election or a referendum, either for or against. It certainly will be heard in arguments about whether the people or parliament is sovereign. Acknowledging that there are ambiguities here about the meaning of ‘power’ and the identification of the relevant ‘people’, there is a very particular ambiguity in the expression ‘power is *from* the people’, such that it can be used with different meanings on both sides of an issue, to contradictory effects.



The source of that ambiguity is the sociological and psychological truth that the power exercised by the powerful is held by them only because it is given to them by those over whom it is used. However, no normative political conclusion can be drawn from that fact. This is because the giving of power, of itself, need not be conditional, and may not even be deliberate or intended. Those who hold power have indeed a moral obligation to use their power well in the service of the common good. But those who handed over that power are not the source of that moral obligation, and need not even advert to the obligation in the transfer of power. It is not a condition they automatically impose by giving power to their rulers.

Thomas Hobbes<sup>1</sup>, the preminent English political theorist, in fact denied that there could be any such moral obligation associated with the transfer of power. His reason for holding this view is his conviction that perceptions of what is good and of value are so totally subjective that they could not be a basis for shared standards or common goods. Because people would judge to be ‘good’ that which was in their own interests, and since people’s interests are so diverse and in competition with one another, there could be no agreed moral basis for common life. People would therefore see the possible advantage of having an authority with the power to form a judgment of what is worthwhile and to command pursuit of that desired goal, and control of coercive force to ensure compliance. Hobbes argued that people would willingly hand over their judgment and power to such an authority for the sake

of the social order and stability it would engender. He named this authority the 'sovereign', leaving open the possibility that it could be an individual such as a monarch, or an assembly such as a parliament.

The sovereign's power would indeed be *from* the people, but not answerable to or returnable to the people. He explicitly ruled out the notion that people in some way make a contract with the sovereign, or that they can hold the sovereign to conditions, or standards, or moral obligations. In fact, Hobbes went so far as to say that a sovereign could not do an injustice to its subjects. This is because, in his view, in the absence of a sovereign, there is no standard of what is just or unjust: in public life made possible by the existence of a sovereign, it is the decision of the sovereign that determines what is to be the accepted standard of justice. Hence, if the sovereign's judgment and decision is the standard of justice, whatever the sovereign judges and then decides to do is just and could not count as an injustice against subjects.

The alternative reading of 'power is *from* the people' is republican, imbuing the People with a mystical quality that is not completely identical with any actual population (signified by capitalising P). Nationalism in its various forms offers examples of a romantic view of a People, united in sharing ethnic, cultural and linguistic features. Republicanism goes beyond nationalism in the view that the unified People has a single will, and that the freedom of the People depends on the articulation of that will in law and its implementation. In this view, classically formulated by Rousseau<sup>2</sup>, any government or parliament is merely the agent, deputised to realise the will of the People. In this model of 'power *from* the People', any action of a government or of a parliament that is inconsistent with the will of the People is null and void. The People could dismiss any such failing agent and assign the responsibilities to another.

There is of course a third position in our intellectual history, and that is the view of John Locke, the author of *Two Treatises on Civil Government*<sup>3</sup> who provided the rationale for the Whig revolutionaries who staged the Glorious Revolution of 1688. He too could endorse the slogan that 'power is *from* the people'. Embracing neither the absolute sovereign of Hobbes, nor the romantic notion of a unified People, he fostered instead the notion of individuals (possibly heads of families or households) with natural rights to life, liberty and

property, agreeing to form limited government with the purpose of protecting those rights. The rights of subjects would specify the purpose of government and would also set limits to what government could do in pursuit of its purpose. Failure by government to protect those rights could lead to the people withdrawing their consent. Locke's political philosophy was born in one revolution and proved useful in others, not least in animating the American revolutionary leaders. It is a doctrine for revolution.

The so-called Glorious Revolution led to the Act of Settlement and to the establishment of some significant features of the British constitution, notably the limitation of the powers of the monarch and the interpretation of parliament as the forum for expression of the consent of the people. Many who, with good reason, celebrate the Glorious Revolution claim that it was bloodless, but they too easily forget that the war between two kings for the English throne was largely fought in Ireland, and that the resultant violence persisted for three hundred years, on and off, until the 1998 Belfast Agreement.

Locke's philosophy inspires both slogans: 'power *from* the people' and 'power *to* the people'. The power to govern is given, conditionally, by people exercising their vote, and that consent may be withdrawn, and the power revoked, should government violate proper constraints.

The slogan, 'power from the people' with its partner, 'power to the people' can be used to convey different messages. These messages are in tension with one another if not contradictory. As such, they are hardly useful either in expressing agreement already achieved, or in attempting persuasion towards some end. Furthermore, because of their ambivalence they can be a source of misunderstanding and confusion. With Hobbes, the 'from' slogan can be used to underline the sovereignty of parliament, which, with the power given to it by the electorate, is entitled to enact law, take decisions and implement them according to its judgment of what is in the public interest. With Rousseau, the 'from' slogan can be used to relativise parliament and government to the will of a romantically-conceived unified People, although that will may not be easily determined by reference to elections or to votes. A revolutionary or republican vanguard of the People may feel itself entitled to interpret this will and take steps to implement it, in

which case it will argue it is merely returning power ‘to’ the people. With Locke, the ‘from’ slogan may also take on a revolutionary aura in advocating withdrawal of consent from the government or parliament and its transfer to an alternative, better placed to respect the rights of subjects and to secure their protection. But of course, a Lockean interpretation of the slogans may also be used to advocate the continuance of consent to the parliament or government for the reason that they are deemed to be best placed to secure the limited functions of government.

These clarifications of meaning provided by political philosophy may help to remove confusion in current deliberations. But they can be only one minor contribution. A relevant set of major questions beyond the possible meanings of the slogans of advocacy asks about the actual historical British system of government and its ethos. One such question is being considered by the Supreme Court. We may ask whether the British system of constitutional monarchy is best understood using the terms from Hobbes, Locke or Rousseau.

Rousseau’s republican view seems the least plausible candidate, given the diversity of the populace, the history of the amalgamation of crowns and kingdoms, and the resistance spearheaded by Edmund Burke to the highly idealised and abstract ideas of the French Revolution. And yet the rhetoric of the ‘[Will of the People](#)’ – and its shadow, the ‘enemy of the People’ – seems to find increasing purchase in the contemporary scene.

Locke’s view of limited government constrained by the consent of the people is increasingly part of the popular rhetoric, and this is reinforced by the growing attention to rights at the heart of legislation. The adoption of the Human Rights Act 1998 makes rights a central theme of legislation as never before. Similarly, the accountability of government to the electorate is a Lockean theme and is to be heard in the demand to go to the people, to let the people decide. The expression of frustration at the appointment of the two recent prime ministers without a public vote reflects the Lockean concern that the legitimacy of government is rooted in the consent of the people.

Central elements of the British system support the view that Hobbes continues to articulate a fundamental aspect of the constitution. While it is said that government is answerable to parliament (echoing Locke’s concern with the separation of powers), government, in the

normal course of events, enjoys a majority in the House of Commons and so automatically receives the support of the House. A parliamentary majority allows a government to pursue its legislative programme, unconstrained by conditions of popular consent. In other words, there is only nominal separation between the powers of legislature and executive. Recent governments, both Labour and Conservative, have introduced significant bills that had not been previously signalled in election manifestos and subjected to popular review. For instance, Tony Blair and Gordon Brown made the Bank of England independent of the Treasury, and David Cameron legalised same-sex marriage. Having the power, they believed themselves entitled to use it, and the absence of major popular resistance or rejection confirmed their view.

Given the recent experience of minority governments unable to command the support of Parliament to implement their policies, and the fragmentation of major parties unable to unite around agreed programmes, we may wonder if we are facing a Hobbesian moment. He might challenge the UK today to reflect on the necessity of giving power to an effective sovereign. He would remind us of the advantage of having an authority with power to form a judgment of what is worthwhile, with power to command pursuit of that desired goal, and control of coercive force to ensure compliance. Hobbes would attempt to persuade people to hand over their judgment and power to such an authority for the sake of the social order and stability it would engender. However, with the growing relevance of such appeals for order and strong authority, it will be even more important to bear in mind Locke’s insistence that the function of government is to protect our rights, and Rousseau’s aspiration to belong to a free People, capable of ruling itself, free of domination by any power, no matter how effective.

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<sup>1</sup> Thomas Hobbes, *Leviathan*, ed. J.C.A. Gaskin (Oxford: Oxford University Press, 1996).

<sup>2</sup> Jean-Jacques Rousseau, *The Social Contract and Discourses* (London: Dent, 1983).

<sup>3</sup> John Locke, *Two Treatises on Civil Government*, ed. Peter Laslett (Cambridge University Press, 1972).